

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-49 are pending in the application. Claim 3 has been amended. No claims have been canceled.

Applicant has amended claim 3, particularly to overcome the Examiner's rejection of indefiniteness under 35 U.S.C. §112. The Examiner initially rejected claims 3-10 under 35 U.S.C. §112, second paragraph. Accordingly, Applicant has amended claim 3 to particularly point out and distinctly claim, in full, clear, concise and exact terms, the subject matter which Applicant regards as his invention. Withdrawal of the rejection is respectfully requested.

In the final Office Action, the Examiner rejected claims 1-5, 7-9, 11, 13, and 15 under 35 U.S.C. §103(a) as being unpatentable over Janky et al. (U.S. Patent No. 6,549,942; hereinafter, "Janky") in view of Jones (U.S. Patent No. 6,175,822). Applicant respectfully traverses the rejections.

Claim 1 sets forth "*streaming the **analog** electrical data* to the client." In contrast, neither Janky nor Jones discloses streaming **analog electrical** data to a client. The Examiner admitted in the final Office Action that Janky fails to disclose stream the analog data to client (Final Office Action, p. 2, point 5, second paragraph, lines 5-6). However, the Examiner argued that, "such audio data transmission was well known in the art." The Examiner further cited Jones and alleged that, "Jones discloses a system via a network that streams audio data to a client terminal of a multimedia client computer" (Office Action, p. 3, first paragraph). Applicant respectfully disagrees with the Examiner.

According to Jones, the client terminal 20 receives and plays **digitized** audio signals being streamed from messaging server 14 (Jones, col. 5, lines 32-39). Furthermore, the method disclosed in Jones merely streams the **digital** audio file from a messaging server 14 to a client terminal 20 (Jones, Fig. 2; col. 4, line 16-18). It is respectfully submitted that digital audio signals are distinct and separate from analog electrical signals. Likewise, the technique involved in streaming digital audio signals is different from the technique involved in streaming analog

electrical signals. Therefore, Jones fails to disclose or suggest the limitation of claim 1 sets forth above.

As to the Examiner's allegation that the streaming of analog electrical data to the client was well known in the art, Applicant respectfully requests the Examiner to cite to a relevant reference to support the allegation.

Since neither Janky nor Jones disclose at least the limitation of "streaming the **analog** electrical data to the client," claim 1 is patentable over Janky in view of Jones for at least this reason. Withdrawal of the rejection is respectfully requested.

Claims 2-14 depend, directly and indirectly, from claim 1. Therefore, claims 2-14 are not anticipated by Janky for at least the same reason discussed above with respect to claim 1. Applicant respectfully requests withdrawal of the rejections.

For the reasons discussed above with respect to claim 1, Janky and Jones do not render claims 15 and 16 obvious. Claims 17-32 depend, directly and indirectly, from claim 16. Therefore, Claims 17-32 are patentable over Janky in view of Jones for at least the same reason discussed above with respect to claim 1. Applicant respectfully requests withdrawal of the rejections.


The Examiner rejected claims 6, 14, 21, and 29-49 under 35 U.S.C. §103(a) as being unpatentable over Janky, in view of Jones, further in view of Adair et al. (U.S. Patent No. 6,424,369; hereinafter, "Adair"). Applicant respectfully traverses the rejections. For the reason discussed above with respect to claim 1, claims 6, 14, 21, and 29-49 are patentable over Janky in view of Jones and Adair. Applicant respectfully requests the Examiner to withdraw the rejections.

Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. §112, second paragraph, and §103(a) have been overcome by the amendments and the remarks and withdrawal of these rejections is respectfully requested. It is respectfully submitted that claims 1-49 as amended are now in condition for allowance and such action is earnestly solicited.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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